

REMARKS

The present invention primarily relates to a guide wire having a distal portion terminating in a guide portion. A reinforcing means (e.g., an elongated dorsal fin-like structure, (FIG. 7(b) is provided on the distal portion which minimizes axial twisting of the distal portion.

Claims 1-53, 56, and 68 are canceled. Claims 54, 55, 57-67, and 69-85 are pending. Applicants have amended pending claim 70 to insert the language "and being perpendicular to" as is shown. The language emphasizes the feature of the present invention in which the distal portion reinforcing member is required to be perpendicular to the "flat major surfaces of the distal portion". Basis for this language insertion is found in the published application relating to this invention (viz., US 2007/0032744 A1) at paragraph [0059]. No new matter is introduced.

Applicants also have added new claims 78-85. Claim 78 is based upon claim 70 and more clearly defines the relationship between the major flat surfaces of the distal end of the guide wire and the "reinforcing member". Specifically, claim 78 requires the "reinforcing member" to terminate at a location which is "axially spaced apart from the distal end of the distal portion to define with the distal end of the distal portion the guide portion." As will be shown this required foreshortening and termination of the reinforcing member at a point which is "axially spaced" from the extreme distal end of the guide wire is nowhere disclosed nor suggested by the primary reference (Osawa et al.) on which all of the present claims are rejected.

Reinterpretation of U.S. 7,083,577 to Osawa et al. ("Osawa et al.").

It is noted starting at page 2 of the Office Action that the Examiner reinterpreted the Osawa et al. primary reference. As is stated at the bottom of page 2 of the Office Action "the middle stepped section of Fig. 8-A [of Osawa et al.] is now interpreted as the "reinforcing member", while the section of lower height to its left in Fig. 8-A is now interpreted as the "guide portion",.... The Examiner further notes starting at the top of page 3 of the Office Action that the "middle section clearly extends to and terminates at a point axially spaced apart from the most distal end of the distal portion...." The Examiner's further exposition of his position is greatly appreciated by the undersigned attorney.

This reinterpretation of Osawa et al. has one very serious drawback viz., it now requires the "reinforcing member" to be in the same plane as the "flat major surfaces of the distal portion

of the guide wire". In short, the primary advantage of the reinforcing member stated in proposed-to-be amended claim 70 i.e. "minimizing axial twisting of the distal portion" has been eliminated and is not permitted by the reinterpretation of Osawa et al. In short, the reinterpretation of Osawa et al. permits the Osawa et al. device, absolutely contrary to the present invention, to be bent and to flex in a direction perpendicular to the central major plane. Thus, while the Examiner's reinterpretation of Osawa et al. is certainly creative, it does not disclose either the functional advantage or the specific structure provided by the present invention.

To emphasize the above Applicants have added, in claim 70, language indicating that the "reinforcing member" is "perpendicular to one of the flat major surfaces of the distal portion of the guide wire." That inserted language emphasizes and unambiguously distinguishes claim 70 from anything disclosed or suggested by Osawa et al. whether under its first interpretation or under its reinterpretation in the Office Action.

The same amended language is used in new claim 78. As is noted above new claim 78 has other limitations which further distinguishes it from Osawa et al., as reinterpreted, and additionally requires the reinforcing member to be "foreshortened" i.e. to terminate proximal to the extreme distal end of the guide wire.

Art rejections

Claim 70 is rejected under 201(e) over Osawa et al. The discussion above shows how no anticipation of claim 70 is shown by Osawa et al.

Dependent claims 54, 55, 57-67 and 69-77 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Osawa et al. That rejection is respectfully traversed.

All the rejected claims depend directly or indirectly upon independent claim 70. As is also noted above, Osawa et al. as reinterpreted in the Office Action which requires "a pair of opposite major flat surfaces" and the "reinforcing member" to be co-planer or at least to lie in parallel planes. The requirement of the reinforcing member and the flat surfaces defining the distal portion of the guide wire to be parallel planes precludes the presence of a structure which provides reinforcement to "minimiz[e] axial twisting of the distal portion [of the guide wire]." Cf., claim 70. This is, perhaps, best illustrated at Figs. 7(b) and 8(b) in which it is shown how guide member 38 prevents axial twisting of the distal end of the guide wire. Perhaps more to the

point, Figs. 7(a) and 8(a) (which are not structures of claims 70-85) are the structural equivalents of the Examiner's reinterpretation of Osawa et al. Thus, it is submitted that claim 70 and all claims depending therefrom are not and cannot be anticipated under 35 U.S.C. 102 (e) by Osawa et al.

It follows that the various detailed rejections of the dependent claims should be withdrawn.

New claims 78-85

New claims 78-85 track much of the language of rejected claim 70 particularly including the requirement of the "reinforcing member" being perpendicular to one of the flat major surfaces of the distal portion of the guide wire.... That structure is nowhere disclosed nor suggested by Osawa et al. More to the point, Osawa et al., as reinterpreted to require the elements defining the distal portion of the guide wire and the reinforcing member to be at least co-planar, does not and cannot disclose or suggest claims 78-85.

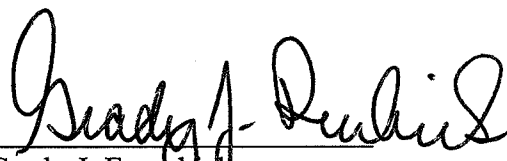
Conclusion

Based upon the above claim amendments and remarks, it is clear that Osawa et al. does not "anticipate" any of the presently pending claims. There being no other rejections, it is respectfully requested that all pending claims be passed to issue.

The Examiner is invited to telephone the undersigned attorney if a phone conference can materially advance prosecution of these claims.

Respectfully submitted,

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